

CIVIL COVER SHEET

APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Simon Auoud

(b) County of Residence of First Listed Plaintiff Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Christopher P. Gerber, Esquire
Siana, Bellwoar & McAndrew, LLP
941 Pottstown Pike, Suite 200, Chester Springs, PA 19425

DEFENDANTS

City of Chester, Pennsylvania

Ronald Lewandowski

County of Residence of First Listed Defendant Delaware
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF | DEF | PTF | DEF |
|---|----------------------------|---|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 3 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Brief description of cause:

Civil Rights violation due to discrimination based on race.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Simon Aouad,
Plaintiffv.
City of Chester,
and
Ronald Lewandowski,
Defendants

CIVIL ACTION NO.

TO: (NAME AND ADDRESS OF
DEFENDANT)City of Chester
City Hall
One Fourth Street
Chester, PA 19013

YOU ARE HEREBY SUMMONED and required to serve upon

Plaintiff's Attorney (Name and Address)
Christopher P. Gerber, Esq.
941 Pottstown Pike, Suite 200
Chester Springs, PA 19425

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Michael E. Kunz, Clerk of Court

Date:

(By) Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO.

TO: (NAME AND ADDRESS OF
DEFENDANT)

Ronald Lewandowski
City of Chester
One Fourth Street
Chester, PA 19013

YOU ARE HEREBY SUMMONED and required to serve upon

Plaintiff's Attorney (Name and Address)
Christopher P. Gerber, Esq.
941 Pottstown Pike, Suite 200
Chester Springs, PA 19425

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Michael E. Kunz, Clerk of Court

Date:

(By) Deputy Clerk

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 155 Fairview Road, Woodlyn, PA 19094

Address of Defendant: One Fourth Street, Chester, PA 19013

Place of Accident, Incident or Transaction: One Fourth Street, Chester, PA 19013

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FEELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

Christopher P. Gerber, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 8-10-05

[Signature]
Attorney-at-Law

76449

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-10-05

[Signature]

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Simon Aouad,

Plaintiff

CIVIL ACTION

City of Chester, v.

Ronald Lewandowski,

Defendants

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>8-10-05</u>	<u>Christopher P. Gerber</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>(610)-321-5500</u>	<u>(610)-321-5531</u>	<u>cpgerber@sianalaw.com</u>
Telephone	FAX Number	E-Mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SIMON AOUAD

Plaintiff

v.

CITY OF CHESTER PENNSYLVANIA
AND RONALD LEWANDOWSKI

Defendants

CIVIL ACTION

No.

JURY TRIAL DEMANDED

COMPLAINT

1. This is an action to redress the deprivation of rights secured by 42 U.S.C. § 1983 and the First Amendment to the United States Constitution.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.
3. Venue is proper in the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1391(b), because Defendants reside here and because the claim arose in this District.

PARTIES

4. Plaintiff, Simon Aouad, is an adult individual who resides in Delaware County, Pennsylvania.
5. Defendant, City of Chester, is a municipality and political subdivision whose offices are located at 1 Fourth Street, Chester, PA 19013.
6. Defendant, Ronald Lewandowski, is an adult individual and was, at all relevant times, employed as a police officer by Defendant City of Chester.

7. Defendants were, at all relevant times, acting under color of state law.

FACTS

8. On July 22, 2002, Plaintiff was hired by the City of Chester to serve as a full-time police officer.
9. Plaintiff is a Lebanese-American.
10. At all relevant times, Defendants were aware of the Plaintiff's ethnic background.
11. At all relevant times, Plaintiff satisfactorily performed his duties as a police officer.
12. During the summer of 2003, Plaintiff suffered from several instances of racially charged and unwarranted harassment by his superior officer, Defendant Major Ronald Lewandowski.
13. For instance, Defendant Lewandowski called the Plaintiff derogatory names, such as a "sand nigger" and "daddy's boy" while on duty.
14. Defendant Lewandowski also made other racially charged comments directed at the Plaintiff such as, "you eat watermelon just like them," insinuating that the Plaintiff ate like African-Americans.
15. Defendant Lewandowski also imposed unwarranted and unequal discipline upon the Plaintiff on the basis of Plaintiff's ethnic background.
16. The foregoing conduct of Defendant Lewandowski made it difficult for Plaintiff to perform his duties as a police officer.
17. In response to the foregoing conduct, Plaintiff complained to Councilman Monir Z. Ahmed during the summer of 2003.
18. Councilman Ahmed acknowledged the complaint and instructed Plaintiff to keep a log of his issues with Defendant Lewandowski.

19. Despite Plaintiff's complaint to Councilman Ahmed, no action was taken by the City to investigate Plaintiff's complaint of wrongdoing concerning Defendant Lewandowski.
20. During the summer of 2003, Plaintiff also complained of the harassment by Defendant Lewandowski to Major Lewis, who, in turn, told the Plaintiff to inform Police Commissioner, John Finnegan.
21. Despite the complaint to Major Lewis, the City failed to take any action to address Plaintiff's complaint of harassment.
22. At the suggestion of Major Lewis, Plaintiff sent a letter to Commissioner Finnegan, on or about August 20, 2003, wherein Plaintiff complained of Defendant Lewandowski's behavior and requested the Commissioner's assistance.
23. Commissioner Finnegan never responded to Plaintiff's letter, and the City failed to take any action whatsoever concerning the foregoing complaints.
24. On August 27, 2003 Plaintiff was terminated from his position, just a week after he had filed his written complaint about Defendant Lewandowski.
25. At the time of Plaintiff's termination, Plaintiff had received only one written reprimand concerning a uniform infraction.
26. Plaintiff's termination was in retaliation for his complaints of harassment and racial discrimination committed by Defendant Lewandowski.

COUNT I

SIMON AOUAD v. CITY OF CHESTER AND RONALD LEWANDOWSKI

VIOLATION OF 42 U.S.C. § 1983 - FIRST AMENDMENT RETALIATION

27. Plaintiff incorporates herein by reference paragraphs 1-26 as though the same were set forth herein at length.
28. Plaintiff enjoys First Amendment protection to speak on matters of public concern without fear of retaliation by his employer.
29. By complaining about the foregoing harassment committed by Defendant Lewandowski, Plaintiff engaged in activity protected by the First Amendment.
30. An employee's grievance about discrimination on the job constitutes a matter of public concern.
31. The unwarranted reprimands, harassment and termination of the Plaintiff constitutes unlawful retaliation in violation of his First Amendment rights.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- A. Award Plaintiff compensatory damages against Defendant City of Chester and Defendant Lewandowski for: humiliation and embarrassment, pain and suffering, past economic loss, future economic loss, loss of reputation, as well as for other benefits and other damages;
- B. Award Plaintiff punitive damages against Defendant Lewandowski;
- C. Award reasonable costs and attorney fees;
- D. Grant any other relief that this Court deems just and proper under the circumstances.

COUNT II

SIMON AOUAD v. CITY OF CHESTER AND RONALD LEWANDOWSKI

VIOLATIONS OF 42 U.S.C. § 1981

32. Plaintiff incorporates herein by reference paragraphs 1-31 as though fully set forth herein at length.
33. Protection against racial discrimination pursuant to 42 U.S.C. § 1981 extends to persons of Lebanese descent.
34. As a Lebanese-American, Plaintiff is entitled to protection under Section 1981.
35. The foregoing misconduct constitutes a violation of Section 1981, which conduct includes, but is not limited to, the harassment exhibited by Defendant Lewandowski, the City's failure or refusal to investigate or otherwise address Plaintiff's complaint and the retaliatory discharge from his position following his complaint.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- A. Award Plaintiff compensatory damages against the City and Defendant Lewandowski for: humiliation and embarrassment, pain and suffering, past economic loss, future economic loss, loss of reputation, as well as for other benefits and other damages;
- B. Award Plaintiff punitive damages against Defendant Lewandowski;
- C. Award reasonable costs and attorney fees;
- D. Grant any other relief that this Court deems just and proper under the circumstances.

COUNT III

SIMON AOUAD v. CITY OF CHESTER AND RONALD LEWANDOWSKI

VIOLATION OF 42 U.S.C. § 1983 - EQUAL PROTECTION

36. Plaintiff incorporates herein by reference paragraphs 1-35 as though fully set forth herein at length.

37. As a Lebanese-American, Plaintiff is a member of a protected class.

38. Defendant City of Chester and Defendant Lewandowski, acting under color of state law, intentionally treated similarly-situated officers who were not members of Plaintiff's protected class differently, to Plaintiff's detriment and without any rational basis.

39. Defendant City of Chester and Defendant Lewandowski purposefully discriminated against Plaintiff because of his race.

40. Plaintiff was unlawfully subjected to unwarranted, excessive and unequal discipline in violation of equal protection under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- A. Award Plaintiff compensatory damages against the City and Defendant Lewandowski for: humiliation and embarrassment, pain and suffering, past economic loss, future economic loss, loss of reputation, as well as for other benefits and other damages;
- B. Award Plaintiff punitive damages against Defendant Lewandowski;
- C. Award reasonable costs and attorney fees;
- D. Grant any other relief that this Court deems just and proper under the circumstances.

COUNT IV

SIMON AOUAD v. CITY OF CHESTER AND RONALD LEWANDOWSKI

VIOLATION OF 42 U.S.C. § 1983 – MONELL CLAIM

41. Plaintiff incorporates by reference paragraphs 1-40 as though fully set forth herein at length.
42. Defendant City of Chester and its council members have, as a matter of policy, practice and custom, failed to properly train, supervise, and/or discipline Defendant Lewandowski with respect to his unlawful and discriminatory conduct.
43. Defendant City of Chester had actual or constructive knowledge of the foregoing unlawful harassment and employment decisions set forth in this Complaint.
44. The unlawful conduct of Defendant Lewandowski was apparent to any reasonable official or supervisor of the City of Chester based upon the current state of the law.
46. As a direct and proximate result of the aforementioned municipal policy, custom and/or practice, Plaintiff was subjected to discriminatory and unlawful conduct as described herein.
46. The above-referenced Constitutional violations would not have occurred had Defendant City of Chester properly trained, supervised, and/or disciplined Defendant Lewandowski.
47. Defendant City of Chester maintained inadequate policies and procedures to guard against Defendant Lewandowski's conduct, which, as a result, either directly or by disparate impact, failed to prevent the harm inflicted upon Plaintiff by Defendants.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- A. Award Plaintiff compensatory damages against the City and Defendant Lewandowski for: humiliation and embarrassment, pain and suffering, past economic loss, future economic loss, loss of reputation, as well as for other benefits and other damages;
- B. Award Plaintiff punitive damages against Defendant Lewandowski;
- C. Award reasonable costs and attorney fees;
- D. Grant any other relief that this Court deems just and proper under the circumstances.

JURY TRIAL DEMAND

Plaintiff, Simon Aouad, respectfully requests a trial by jury.

SIANA, BELLWOAR & McANDREW, LLP

By: 

Christopher P. Gerber, Esquire, I.D. # 76449
941 Pottstown Pike, Suite 200
Chester Springs, PA 19425
Attorney for the Plaintiff

Date: August 10, 2005